

AMENDATORY SECTION (Amending WSR 11-01-037, filed 12/6/10, effective 1/6/11)

WAC 308-107-050 Ignition interlock device revolving account. (1) (a) As required under RCW 46.20.385(6)(a), unless determined by the department to be indigent under WAC 308-107-060, a person who is applying for or has been issued an ignition interlock driver's license, or (b) a person who is restricted under RCW 46.20.720, must pay an additional fee of twenty dollars per month or partial month for which the ignition interlock driver's license is valid or an ignition interlock device is installed to the manufacturer of the device(s) installed in the motor vehicle(s) driven by the person. Payment may be made directly to the manufacturer, or through the authorized service provider, depending upon the manufacturer's business practices.

(2) A manufacturer providing devices to persons who are ~~((applying for or have been issued))~~ required to have an ignition interlock ~~((driver's license))~~ device, either directly or through an authorized service provider, must enter into an agreement with the department for the collection and transmittal of the twenty dollar monthly fee required under RCW 46.20.385(6)(a) or 46.20.720(6). Any agreement made under this section must include appropriate reporting requirements and accounting practices to permit the department to audit the handling of the fees that must be remitted to the department. The department may terminate an agreement with a manufacturer upon a showing of good cause. Good cause may include, but not be limited to;

- (a) Violation of the agreement;
- (b) Violation of the laws and rules governing the installation of devices; or
- (c) Violation of this chapter.

An agreement between the department and a manufacturer will be valid for no more than four years, provided that the department may extend an agreement for up to an additional four years at its discretion.

(3) As provided by RCW 46.20.385(6)(b) and 46.20.720(6), the department shall deposit the proceeds of the twenty-dollar fee into the ignition interlock device revolving account.

AMENDATORY SECTION (Amending WSR 08-24-059, filed 11/26/08, effective 1/1/09)

WAC 308-107-060 Indigence—Monetary Assistance—Determination of need. (1) ~~((An applicant for, or holder of, an ignition interlock driver's license))~~ (a) A person who is required to have an ignition interlock device may apply to the department for a determination that he or she is indigent for purposes of RCW 46.20.385 and 46.20.745. The department will determine that a person is indigent if the person is:

~~((a))~~ (i) Receiving one of the following types of public assistance: Temporary assistance for needy families, general assistance, poverty-related veterans' benefits, food stamps or food stamp benefits transferred electronically, refugee resettlement benefits, medicaid, or Supplemental Security Income; or

~~((b))~~ (ii) Receiving an annual income, after taxes, of one hundred twenty-five percent or less of the current federally established poverty level.

(b) In making a determination of indigence under this subsection, the department may request that the applicant provide records or other evidence of public assistance, income, payment of taxes, or other relevant issues.

(c) A person who has been determined to be indigent under this subsection is;

(i) Exempt from paying the additional fee of twenty dollars required under RCW 46.20.385(6)(a)~~((-))~~; and

(ii) May apply for monetary assistance under subsection (2) of this section.

(2) Subject to appropriation by the legislature of funds from the ignition interlock device revolving account and the availability of funds in the ignition interlock device revolving account, a person who has been determined to be indigent under this section may apply to the department for monetary assistance in covering the costs of installing, removing, and leasing an ignition interlock device, and any applicable licensing fees.

(3) Subject to funds appropriated, the department may base the amount of monetary assistance provided to an applicant under subsection (2) of this section on a determination of need. Where possible, a determination of need may be based on such factors as:

- (a) Total number of persons in household, including the number of dependants;
- (b) The age of the applicant and whether the applicant is a dependant of another person;
- (c) Monthly expenses; and
- (d) Liquid assets.

(4) A person who has been determined to be indigent under this section must re-apply for a determination of indigence on an annual basis.